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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,820	12/14/2000	Hao A. Chen	3620-036-01	8675
7590 03/24/2004				
KILYK & BOWERSOX, P.L.L.C. 53 A EAST LEE STREET WARRENTON, VA 20186			EXAMINER	
			RHEE, JANE J	
			ART UNIT PAPER NUMBER	
			1772	

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/736,820

Applicant(s)

CHEN ET AL.

Examiner

Jane J Rhee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 19, 20, 22, 23 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 19, 20, 22, 23 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Rejections Repeated***

1. The 35 U.S.C. 102 (b) rejection anticipated by Bosco of claims 1,5-6,19,22-23 is repeated for the reasons previously made in Paper 13 paragraph 1.
2. The 35 U.S.C. 103 (a) rejection over Bosco in view of Anstalt of claims 2-4,20 and 27 is repeated for the reasons previously made in Paper 13 paragraph 2.

### ***Response to Arguments***

3. Applicant's arguments filed 11/20/2003 have been fully considered but they are not persuasive.

In response to applicant's argument that Bosco does not show a laminate on a plank but a coating which is not a laminate, a coating can be defined as a layer of material covering something else<sup>1</sup> and a laminate can be defined as to cover with thin sheets<sup>2</sup>, therefore since both terms are meant to cover something with a material, a coating can be a laminate. In applicant's specification on page 4 line 27-29 the applicant discloses that typically a laminate will be located on the thermoplastic core for the purposes of providing the design and textured appearance of the plank. Bosco discloses a coating on the wood-plastic composite as to impart permanent high gloss

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(col. 1 line 51-52) which provides a design and textured appearance of the wood-plastic composite, such as suggested by applicant's invention.

In response to applicant's argument that Bosco does not teach or suggest a bonding agent that includes at least one solvent but a bonding agent of glue, a solvent by definition is defined as a substance in which another substance is dissolved, forming a solution<sup>3</sup>, therefore the solvent dissolves another substance. Applicant claimed a bonding agent comprising at least one solvent that at least bonds the edges of the planks and Bosco discloses a glue that bonds the edges of the planks together (col. 3 line 8) thus the solvent in the bonding agent of applicant's present invention would dissolve another substance in the bonding agent which leaves a bonding agent that bonds the edges of the planks which Bosco does disclose. The glue disclosed by Bosco would inherently contain a solvent such as water wherein the end product of the bonding agent is glue. In other words, the glue is a bonding agent that inherently comprises a solvent. Applicant argued that the bonding agent contains a compound capable of dissolving the thermoplastic material forming the core of the plank, however this argument is directed to a method limitation because applicant emphasizes the process of bonding the planks together by a compound capable of dissolving the thermoplastic material forming the core of the plank, which is not directed to the structural limitations of the article nor the final end product of applicant's invention. The solvent of applicant's invention seems to be used in the process of making the product

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wherein process comprises the solvent dissolving another substance in order to bond the planks together.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Peralt Anstalt teaches that the bonding agent consist essentially of tetrahydrofuran which is a different solvent than Bosco's bonding agent for the purpose of joining two adjacent edges of polymeric materials together (col. 2 lines 78-87, col. 1 line 30-31). Applicant further argued that Peralt Anstalt shows a different product that is joined together in a completely different manner wherein the term "overlapping" appears in bonding the product, however, Peralt Anstalt discloses bonding polymeric materials by edge to edge bonding (col. 1 lines 12, 18). Even though the edges of Peralt Anstalt's invention is bonded by overlapping the edges, the edges are still bonded together by an edge to edge bond because the top edge of the upper sheet would bond to the lower edge of the bottom sheet (col. 2 lines 78-81).

In response to applicant's argument that Peralt Anstalt fails to disclose two different solvents capable of at least bonding the edges of the polymeric portion of the

plank, Bosco discloses a glue that inherently comprises a solvent such as water, and Peralt Anstalt discloses in col. 1 lines 30-33 that Tetrahydrofuran is the solvent used to bond the polymeric planks together, therefore, Bosco inherently discloses one solvent and Peralt Anstalt discloses another different solvent thus, when combined creates two different solvents capable of at least bonding the edges of the polymeric portion of the plank. The motivation to combine the two solvents together is for the purpose of joining two adjacent edges of the polymeric materials together.

The examination of applicant's present invention solely focuses on applicant's end product and not the process in which creates the end product.

Thus, in the absence of any evidence to the contrary, it remains the Examiner's position that the claimed invention is anticipated or rendered obvious over the prior art of record discussed above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

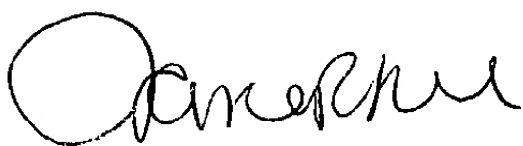
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

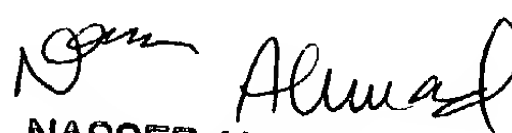
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Ahmad can be reached on 571-272-1487. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and none for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Jane Rhee  
March 9, 2004

  
NASSER AHMAD  
PRIMARY EXAMINER